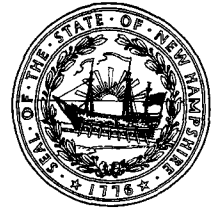




The State of New Hampshire  
***Department of Environmental Services***



Michael P. Nolin  
Commissioner

February 24, 2005

**CERTIFIED MAIL/RRR #7000 0600 0023 9934 0616**

Letter of Deficiency

Mr. Christopher J. Clarke  
K.C. Tire Recycling, L.L.C.  
PO Box 588  
Plymouth, NH 03264

**SUBJECT: FACILITY INSPECTION REPORT  
FOR K.C. TIRE RECYCLING  
37 FRONT STREET  
CAMPTON, NH 03223  
PERMIT # DES-SW-SP-03-004**

Dear Mr. Clarke:

In accordance with RSA 149-M:6, IV, New Hampshire Department of Environmental Services (DES) personnel conducted an inspection of the K.C. Tire Recycling, L.L.C. facility ("Facility") located on Front Street in Campton, New Hampshire, on December 8, 2004. The purpose of the inspection was to determine facility compliance with Solid Waste Permit # DES-SW-SP-03-004, RSA 149-M, and rules adopted thereto relative to the proper management of solid waste. During the inspection, DES personnel learned or observed the following:

1. The Dry House Demolition site is not completely cordoned off in accordance with Permit Condition #13(a). As the attached photograph illustrates, foot traffic through this contaminated site is apparent.
2. An estimate you provided during the facility inspection of December 8, 2004, indicated that approximately 80 tons of tires were being stored at the facility on that day. In a February 4, 2004, phone conversation with facility operator Ken Anderson, Mr. Anderson stated that there were approximately 18 trailers full of tires at the facility and that the 45-foot long trailers held approximately 800-1000 car tires per trailer. Based on this information and observations made by DES during a site visit on January 27, 2005, it is estimated that over 23,000 tires are currently stored at the facility. This number of tires stored at the facility is in excess of the maximum capacity of 60-tons or 6,000 tires

authorized in Condition # 8 of the facility permit and is in violation of Env-Wm 2705.01(a).

(a) In a letter dated December 15, 2004 sent by facility operator Ken Anderson, G.C., on behalf of the permittee, Mr. Anderson stated that he is of the opinion that tires which are "inspectable" or may be re-used, are not a waste. Please be advised that, as noted in a letter from DES dated June 29, 2004, the permit does not make this distinction with respect to capacity. In fact, no such distinction was made by the permittee in Section II(8)(b) of the facility permit application form or in Section III(I)(v) of the facility operating plan.

(b) Please note that the tires slated for reuse qualify as a certified waste derived product pursuant to Env-Wm 3202.04 and 3203.04(b)(3) **only** if they are managed in accordance with Env-Wm 2605.05 and the tires qualify as "inspectable" in accordance with New Hampshire law. Based upon information available to DES, the facility is not in compliance with Env-Wm 2605.05 and, therefore, the tires are not a certified waste derived product.

3. The facility permit authorizes the storage of tires in tractor-trailers or within the transfer station. DES personnel observed tires stored in the open on the ground and not in conformance with the waste handling, collection and storage requirements described in Env-Wm 2605.02. Also, there is insufficient access to all waste stockpiles for fire control purposes as required by Env-Wm 2104.05(d)(1). You were advised to address this compliance issue in a June 29, 2004, letter from DES. The letter is attached for your reference.

4. DES personnel observed tire rims stored in a stockpile at the facility. Management and storage of the rims are not addressed in the facility's operating plan and not allowed by the facility permit.

5. Due to the location of the outside stockpiles, traffic flow at the facility is not occurring as presented in the facility design plans and the permit application as approved by Condition # 3 of the Terms and Conditions of the facility permit and as required by Env-Wm 2805.04.

6. Facility operations do not include a procedure to document the amount of waste accepted and transferred to and from the facility as required by Condition # 3 of the facility permit and Env-Wm 2805.04, 2805.06 and 2805.13(e), (f), and (g). The facility does not have the means to meet Condition #3 of the facility permit, which states "the amount of scrap tires received and transferred will be tracked by their gross weight."

7. The facility is operating outside of the hours of 6:00 a.m. to 6:00 p.m. as designated in Condition #3 of the facility permit, pursuant to Section III (A) of the facility operating plan and Env-Wm 2805.08. On December 8, 2004, you stated to DES personnel that trucks are entering and leaving the facility on a regular basis at all hours of the day.

Please note that trucks hauling tires from the facility and incoming empty trucks are within the definition of 'operating' for the purposes of Env-Wm 2805.08.

8. In the aforementioned letter from Mr. Anderson to the DES and during conversations with Mr. Anderson at the time of an inspection conducted on December 15, 2004, Mr. Anderson indicated that a "bottleneck" is currently occurring at the facility "due to the inability of the processing plant in Connecticut to empty our trailers which are there," and also due to the receiving facility shutting down from time to time for maintenance. According to Mr. Anderson, this is the facility with which the permittee has an agreement to transfer the majority of its tires. Pursuant to Env-Wm 2105.02, the facility shall not receive any waste for which it has no provisions for storage and arrangements for removal to an authorized facility.

9. During the facility visit of January 27, 2005, DES personnel observed seven employees actively involved in the management of waste. Two of those operators currently hold certification. All facility operators must be certified in accordance with Env-Wm 2705.07.

The cited deficiencies can be corrected by completing the following requested actions within the time indicated:

1. **Immediately** cordon off the Dry House demolition site as required in the facility permit.
2. **Immediately** cease the acceptance of waste at the facility until the facility is within its permitted capacity.
3. **Immediately** halt operating outside of the approved operating hours.
4. **Within 14 days** of the date of this letter, store and manage all tires in accordance with the facility permit and operating plan.
5. **Within 14 days** of the date of this letter, determine a means of calculating and recording the gross weight of tires accepted at and transferred by the facility.
6. **Within 14 days** of the date of this letter, obtain interim certification for all facility operators.
7. **Within 20 days** of the date of this letter, submit to DES at the address below, written confirmation that these steps have been completed.
8. **Within 30 days** of the date of this letter, submit to DES at the address below, written confirmation from the Town of Campton Fire Chief that tire storage at the site is within conformance with the applicable fire regulations.

Please address all correspondence and reports regarding this matter to:

Catherine Wright, Waste Management Specialist  
Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03301-6509  
Fax: (603) 271-2456

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against the facility including the issuance of an administrative order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for appropriate legal action. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Catherine Wright at (603) 271-2925 if you have any questions or need further assistance.

Sincerely,

  
Michael E. Guilfoyle, P.E.

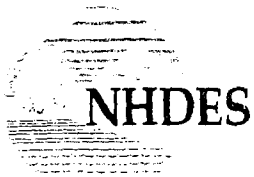
Supervisor  
Solid Waste Management Bureau

cc: Anthony P. Giunta, P.G., Director, WMD  
Paul L. Heirtzler, P.E., Esq., Administrator, WMD  
Gretchen R. Hamel, Legal Unit Administrator  
Board of Selectmen, Campton, NH  
David E. Tobine, Fire Chief, Campton, NH  
Beebe River Development, L.L.C., c/o George Romaine, PO Box 1403, Campton, NH 03223  
SWMB File

**Attachments:** Photograph of Dry House Demolition Site  
DES Letter Dated June 29, 2004

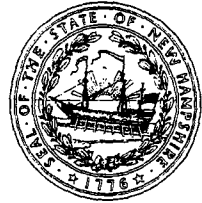
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State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



June 29, 2004

Mr. Christopher J. Clarke  
KC Tire Recycling, L.L.C.  
P.O. Box 588  
Plymouth, NH 03264

**SUBJECT: KC TIRE RECYCLING, L.L.C./CAMPTON, NH/DES-SW-SP-03-004/  
FACILITY VISIT**

Dear Mr. Clarke:

On June 22, 2004 a visit of the Subject solid waste facility was conducted pursuant to RSA 149-M:6,IV. Based on the visit, the facility must address the following operational issues to assure that it is operated and managed in accordance with the New Hampshire Solid Waste Rules (Rules) and the terms and conditions of its solid waste permit:

1. Pursuant to Terms and Condition 8 of the facility's permit, the maximum number of tires that may be stored at the facility is 6,000. The permit does not differentiate between inspectable and non-inspectable tires as discussed during the visit. Please limit the total number of tires stored on-site to 6,000.
2. The facility's operating plan states that tires will be stored in tractor trailers. There is no mention that tires will be stored on the ground as observed during the visit. Please remove all tires from the ground and store in trailers in accordance with the facility operating plan and site plan.
3. For every one to 5 operators, there shall be at least one supervisor who shall be certified as a level III or level IV operator in accordance with Env-Wm 3300 (Env-Wm 2705.07(b)(2) of the Rules). In addition, during the hours of operation, no less than 50% of the on-site personnel directly involved with the management of solid waste shall be operators certified by issued certification in accordance with Env-Wm 3300 (Env-Wm 2705.07(b)(3) of the Rules).

At present the facility has one, level 3 and two, level one operators. Please arrange to have additional employees certified.

As the June 22<sup>nd</sup> visit was not a complete inspection of the facility, these comments may not be all inclusive.

Mr. Christopher J. Clarke  
KC Tire Recycling, L.L.C.  
June 29, 2004  
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If you have any questions, please contact me at 271-5185. If you have any questions regarding operator certification requirements, please contact Don Maurer at 271-2928.

Sincerely,

A stylized, handwritten signature in black ink, appearing to read 'Wayne A. Wheeler', is written over the word 'COPY'.

Wayne A. Wheeler, B.E.  
Solid Waste Management Bureau  
Waste Management Division

cc: Don Maurer, NHDES  
SWMB files